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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 UNITED STATES OF AMERICA,) 2:16-CR-116-JAD-(NJK)
18 Plaintiff,)
19 v.) United States Unopposed Motion for an
20 SEAN CHRISTOPHER SLADEK,) Interlocutory Order of Sale of the Property and
21 Defendant.) Order

22 The United States respectfully moves this Court for an Order for an Interlocutory Sale of
23 the following property listed in the Preliminary Order of Forfeiture (ECF No. 52): 2010 Black Audi
24 S5, 2 door, Vehicle Identification Number: WAUCVAFR4AA040181, Nevada License Plate No.
25 LVW9K0, registered Owner is Sean C. Sladek, and registered at 1172 Via Petrin, Henderson,
26 Nevada, 89052 (property).

27 Through the Interlocutory Order of Sale, the United States requests this Court to authorize
28 the United States Marshals Service (USMS) to sell the property through one of its approved
29 methods.

30 The grounds for issuing the Order for an Interlocutory Sale are: (1) Sean Christopher Sladek
31 through his counsel, Richard Wright, agrees to the interlocutory sale; (2) the property is at risk for

1 further deterioration or decay; (3) the expenses of keeping the property will take away from the
2 amounts that can be paid to victims; and (4) this Court is authorized to approve interlocutory sales.
3 This Motion is made and is based on the papers and pleadings on file herein and the attached
4 Memorandum of Points and Authorities.

5 DATED this 12th day of May, 2017.

6 Respectfully submitted,

7 STEVEN W. MYHRE
8 Acting United States Attorney

9 */s/Daniel D. Hollingsworth*
10 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

11 MEMORANDUM OF POINTS AND AUTHORITIES

12 I. STATEMENT OF THE CASE

13 A. Procedural History

14 On April 13, 2016, the Grand Jury returned a Four-Count Criminal Indictment (Indictment)
15 charging Sean Christopher Sladek (Sladek) in Counts One and Two with Wire Fraud in violation of
16 18 U.S.C. § 1343; Counts Three and Four with Money Laundering in violation of 18 U.S.C. § 1957;
17 and alleged forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and 981(a)(1)(C) with 28 U.S.C. § 2461(c);
18 18 U.S.C. § 982(a)(1); and 21 U.S.C. § 853(p). Indictment, ECF No. 15.

19 On May 10, 2017, Sladek pled guilty to Count One of Wire Fraud and the district court
20 issued a Preliminary Order of Forfeiture (ECF No. 52) requiring Sladek to pay a criminal forfeiture
21 money judgment of \$2,638,143.26 and forfeit the 2010 Black Audi S5 and \$2,206.07. Plea
22 Agreement, ECF No. 51; Change of Plea Minutes, ECF No. 50.

23 Sentencing is scheduled for August 14, 2017 (ECF No. 50).

24 B. Statement of Facts

25 The United States has been in custody of the 2010 Black Audi S5 (property) since March 31,
26 2016, when the Federal Bureau of Investigation executed a civil forfeiture seizure warrant and took

1 the property into custody. On May 10, 2017, Sladek was ordered to forfeit the property in this
2 criminal case (ECF No. 52).

3 On May 10, 2017, Sladek through his counsel, Richard Wright, agreed to the interlocutory
4 sale.

5 The United States now requests this Court to authorize the USMS to sell the property
6 through one of its approved methods. The purpose of the interlocutory sale is to liquidate the
7 property to allow for easier USMS management by converting the property to cash to reduce the
8 cost of maintaining the property and to avoid further depreciation.

9 The cost for the USMS to keep the vehicle is excessive. According to the USMS, it will cost
10 \$12 per day for indoor storage and maintenance of the vehicle. While the vehicle is in storage, it will
11 further depreciate in value, and the expense of keeping the vehicle will reduce the amount that will
12 be paid to the victims. If the government sells the vehicle, the vehicle will stop depreciating and the
13 management expenses will not continue to accrue.

14 **II. ARGUMENT**

15 This Court has authority to issue the Interlocutory Order of Sale. Fed. R. Crim. P. 32.2(b)(7)
16 and Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions
17 (“Supplemental Rules”) G(7) authorize Interlocutory Sales. “At any time before entry of a final
18 forfeiture order, the court, in accordance with Supplemental Rule G(7) of the Federal Rules of Civil
19 Procedure, may order the interlocutory sale of property alleged to be forfeitable.” Fed. R. Crim. P.
20 32.2(b)(7). The United States may move this Court to order the above-mentioned property “sold
21 if:”

22 (A) the property is perishable or at risk of deterioration, decay, or injury by being detained in
23 custody pending the action; (B) the expense of keeping the property is excessive or is
24 disproportionate to its fair market value; (C) the property is subject to a mortgage or to taxes on
25 which the owner is in default; or (D) the court finds other good cause.

26 Supplemental Rules G(7)(b)(i)(A)-(D).

27 / / /

1 Two of these four reasons for the interlocutory sales apply in this case regarding the
2 property. The property is perishable or at risk of deterioration, decay, or injury by being detained in
3 custody pending the action and the expense of keeping the property is excessive or disproportionate
4 to its fair market value. The United States may sell the property if this Court so orders.

5 Supplemental Rules G(7)(b)(ii) (“A sale must be made by a United States agency that has authority
6 to sell the property, by the agency’s contractor, or by any person the court designates.”). The USMS
7 will sell the property through one of its approved methods. Supplemental Rules G(7)(b)(iii) (“The
8 sale is governed by 28 U.S.C. §§ 2001, 2002, and 2004, unless all parties, with the court’s approval,
9 agree to the sale, aspects of the sale, or different procedures.”).

10 “Following entry of [a preliminary order of forfeiture], the court may, upon application of
11 the United States, ... take any other action to protect the interest of the United States in the property
12 ordered forfeited ...”, including an interlocutory order of sale. 21 U.S.C. § 853(g). The sale proceeds
13 of the property will be the “substitute res subject to forfeiture in place of the property that was
14 sold.” Supplemental Rules G(7)(b)(iv). “The proceeds must be held in an interest-bearing account
15 maintained by the United States pending the conclusion of the forfeiture action.” *Id.*

16 **III. CONCLUSION**

17 The United States respectfully requests that this Court order the interlocutory sale of the
18 2010 Black Audi S5, 2 door, Vehicle Identification Number: WAUCVAFR4AA040181, Nevada
19 License Plate No. LVW9K0, registered Owner is Sean C. Sladek, and registered at 1172 Via Petrin,
20 Henderson, Nevada, 89052 for the following reasons: (1) Sean Christopher Sladek through his
21 counsel, Richard Wright, agrees to the interlocutory sale; (2) the property is at risk for further
22 deterioration or decay; (3) the expenses of keeping the property will take away from the amounts
23 that can be paid to victims; and (4) this Court is authorized to approve interlocutory sales. Selling
24 // /
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26 // /

1 the property through this interlocutory sale will protect the property, preserve its value, and liquidate
2 the property to allow for easier management of the asset.

3 Dated this 12th day of May, 2017.

4 Respectfully submitted,

5 STEVEN W. MYHRE
6 Acting United States Attorney

7 */s/Daniel D. Hollingsworth*
8 DANIEL D. HOLLINGSWORTH
9 Assistant United States Attorney

10 IT IS SO ORDERED:

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12

13 UNITED STATES DISTRICT JUDGE

14 DATED: 5/15/2017

PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on May 12, 2017.

/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist